



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,340	02/26/2004	Jeffrey M. Fries	11000060-0041	3970

26263 7590 05/27/2009  
SONNENSCHN NATH & ROSENTHAL LLP  
P.O. BOX 061080  
WACKER DRIVE STATION, SEARS TOWER  
CHICAGO, IL 60606-1080

EXAMINER
----------

TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
----------	--------------

2614

MAIL DATE	DELIVERY MODE
-----------	---------------

05/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/787,340	<b>Applicant(s)</b> FRIES ET AL.	
	<b>Examiner</b> BINH K. TIEU	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-12,14-23,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,14-23,25 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/21/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2614

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-2, 4-12, 14-23 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox (US. Pat. #: 6,449,350, ***as cited in the previous Office Action***) in view of Grau et al. (US. Pat. #: 5,818,906) or Kline et al. (US. Pat. #: 4,464,543).

***Regarding claim 1***, Cox teaches a computer system for displaying line unit performance details, the system comprising:

a report display component for displaying a line unit performance report (i.e., display terminal 64, figure 4, displaying total usage and number of calls to the line unit (LU), note col.9, lines 4-15);

a line unit performance details component for displaying details regarding line usage information in a telecommunications network (i.e., the display terminal 64 display details of line usage information after input query or request (col.12, lines 1-9), such as traffic data measurement of a single switch component or line unit on 30 minute-time periods for a day or thirty (30) days, as shown in figure 2A, note col.10, lines 21-58);  
and

a load balance display component for displaying information regarding activity done to balance traffic for network equipment associated with a line unit, the line unit being further associated with the line unit performance details in the telecommunications network (note col.11, lines 25-39, col.12, line 1-10 and lines 43-55).

Art Unit: 2614

It should be noticed that Cox fails to clearly teach feature of a load balance display component for displaying historical information regarding activities previously done to balance traffic for network equipment associated with a line unit, as argued by the Applicants in their remarks. However, Grau teaches a cable control unit (102) for detecting events associated with connections occurring in the cable telephone system. Information describing these events is placed into connection event reports and sent to a traffic analysis and planning system. Grau further teaches an ability to display history of connection events occurring within the communication system (see col.2, lines 45-64) wherein the connection events are messages associated with all activities which occur during a given connection (see col.5, lines 52-60). Kline teaches a network control center (NCC) that allows a network operator take a course of action. For example, the NCC displays a history (summary) report of activities such as the last maintenance summary report from a specific switch to the network operator for localizing and diagnosing a reported problem (see col.10, lines 28-51) for a purpose of quickly response to traffic conditions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of a load balance display component for displaying historical information regarding activities previously done to balance traffic for network equipment associated with a line unit, as taught by Grau or Kline, into view of Cox in order to provide quickly responsibilities to traffic conditions.

Regarding claim 2, Kline also teaches limitations of the claim in col.10, lines 28-42.

Regarding claim 4-7, Cox further teaches limitations of the claims in figures 5, 6 and 7, note col.12, line 18 through col.13, line 63.

Regarding claim 8, Cox further teaches limitations of the claim in the database 41 in figure 4, col.9, lines 36-64, and col.11, lines 40-60.

Regarding claims 9-10, Cox further teaches limitations of the claims in figure 1B, col.9, lines 64 through col.10, line 20.

**Regarding claim 11**, Cox teaches a method for displaying line unit performance details in a computerized environment, the method comprising:

displaying a line unit performance report (i.e., display terminal 64, figure 4, displaying total usage and number of calls to the line unit (LU), note col.9, lines 4-15);

receiving a request for line unit performance details (i.e., Query Serve 66 receiving a request to query submitted by a user, col.12, lines 1-9);

displaying the line unit performance details requested (i.e., Query Serve 66 scheduling reports to be displayed, viewed and/or printed, col.12, lines 8-10)

a load balance display component for displaying information regarding activity done to balance traffic for network equipment associated with a line unit, the line unit being

Art Unit: 2614

further associated with the line unit performance details in the telecommunications network (note col.11, lines 25-39, col.12, line 1-10 and lines 43-55).

It should be noticed that Cox fails to clearly teach feature of displaying historical information regarding prior activities performed to balance traffic for network equipment associated with a line unit, as argued by the Applicants in their remarks. However, Grau teaches a cable control unit (102) for detecting events associated with connections occurring in the cable telephone system. Information describing these events is placed into connection event reports and sent to a traffic analysis and planning system. Grau further teaches an ability to display history of connection events occurring within the communication system (see col.2, lines 45-64) wherein the connection events are messages associated with all activities which occur during a given connection (see col.5, lines 52-60). Kline teaches a network control center (NCC) that allows a network operator take a course of action. For example, the NCC displays a history (summary) report of activities such as the last maintenance summary report from a specific switch to the network operator for localizing and diagnosing a reported problem (see col.10, lines 28-51) for a purpose of quickly response to traffic conditions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of displaying historical information regarding prior activities performed to balance traffic for network equipment associated with a line unit, as taught by Grau or Kline, into view of Cox in order to provide quickly responsibilities to traffic conditions.

Regarding claim 12, Kline also teaches limitations of the claim in col.10, lines 28-42.

Regarding claims 14-18, Cox further teaches limitations of the claims in figures 5, 6 and 7, note col.12, line 18 through col.13, line 63.

Regarding claim 19, note database 41 in figure 4, col.9, lines 36-64, and col.11, lines 40-60.

Regarding claims 20-21, note figure 1B, col.9, lines 64 through col.10, line 20.

**Regarding claim 22**, Cox teaches a computer system for displaying line unit performance details, the system comprising:

means for displaying a line unit performance report (i.e., display terminal 64, figure 4, displaying total usage and number of calls to the line unit (LU), note col.9, lines 4-15);

means for receiving a request for line unit performance details (i.e., Query Serve 66 receiving a request to query submitted by a user, col.12, lines1-9);

means for displaying the line unit performance details requested (i.e., Query Serve 66 scheduling reports to be displayed, viewed and/or printed, col.12, lines 8-10)

means for displaying load balance display component for displaying information regarding activity done to balance traffic for network equipment associated with a line



Art Unit: 2614

unit, the line unit being further associated with the line unit performance details in the telecommunications network (note col.11, lines 25-39, col.12, line 1-10 and lines 43-55).

It should be noticed that Cox fails to clearly teach feature of means for displaying historical information regarding prior activities performed to balance traffic for network equipment associated with a line unit, as argued by the Applicants in their remarks. However, Grau teaches a cable control unit (102) for detecting events associated with connections occurring in the cable telephone system. Information describing these events is placed into connection event reports and sent to a traffic analysis and planning system. Grau further teaches an ability to display history of connection events occurring within the communication system (see col.2, lines 45-64) wherein the connection events are messages associated with all activities which occur during a given connection (see col.5, lines 52-60). Kline teaches a network control center (NCC) that allows a network operator take a course of action. For example, the NCC displays a history (summary) report of activities such as the last maintenance summary report from a specific switch to the network operator for localizing and diagnosing a reported problem (see col.10, lines 28-51) for a purpose of quickly response to traffic conditions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of means for displaying historical information regarding prior activities performed to balance traffic for network equipment associated with a line unit, as taught by Grau or Kline, into view of Cox in order to provide quickly responsibilities to traffic conditions.

Art Unit: 2614

Regarding claim 23, note database 41 in figure 4, col.9, lines 36-64, and col.11, lines 40-60.

Regarding claim 25, Cox further teaches limitations of the claims in figures 5, 6 and 7, note col.12, line 18 through col.13, line 63.

Regarding claim 26, note figure 1B, col.9, lines 64 through col.10, line 20.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Or faxed to: (571) 273-8300  
Hand Carry Deliveries to:  
Customer Service Window  
(Randolph Building)  
401 Dulany Street  
Alexandria, VA 22314

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the FAIR system, see <http://pair-direct.uspto.gov>. If you

Application/Control Number: 10/787,340

Page 10

Art Unit: 2614

have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/BINH K. TIEU/**

Primary Examiner

Technology Division 2614

Date: May 2009